STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 457 By: Dunlap of the Senate

and

Thornbrugh of the House

COMMITTEE SUBSTITUTE

An Act relating to mental health; amending 43A O.S. 1991, Section 3-313, which relates to domestic violence and sexual assault shelters; clarifying language; prohibiting disclosure of certain information by certain employees and volunteers; prohibiting court order for disclosure of certain information and providing exception; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 43A O.S. 1991, Section 3-313, is amended to read as follows:

Section 3-313. A. The Department of Mental Health and Substance Abuse Services is hereby authorized and directed to enter into agreements and to contract for the shelter and ~~such~~ other services as are needed for victims of domestic abuse or sexual assault. Any domestic violence or sexual assault program providing services pursuant to a contract or subcontract with and receiving funds from the Department of Mental Health and Substance Abuse Services, the Board of Mental Health and Substance Abuse Services, or any facility of the Department of Mental Health and Substance Abuse Services shall be subject to the provisions of the Unified Community Mental Health Services Act.

B. 1. Except as otherwise provided by ~~subsection C~~ paragraph 2 of this ~~section~~ subsection, the case records, case files, case

notes, client records, or similar records of a domestic violence or sexual assault program certified by the Department of Mental Health and Substance Abuse Services or of any employee or trained volunteer of ~~such~~ a program regarding an individual who is residing or has resided in the program or who has otherwise utilized or is utilizing the services of a domestic violence or sexual assault program or counselor ~~in such program~~ shall be confidential and shall not be disclosed. For purposes of this paragraph, the term "client records" shall include, but not be limited to, all communications, records, and information regarding clients of domestic violence and sexual assault programs.

~~C.~~ 2. The case records, case files, or case notes of programs specified in paragraph 1 of this subsection ~~B of this section~~ shall be confidential and shall not be disclosed except~~:~~

1. ~~With~~ with the written consent of ~~such~~ the individual, or in the case of ~~his~~ the individual's death or disability, of ~~his~~ the individual's personal representative or other person authorized to sue on ~~his~~ the individual's behalf~~;~~ or

~~2.~~ by court order for good cause shown by the judge in camera.

C. No employee or trained volunteer of a domestic violence or sexual assault program certified by the Department of Mental Health and Substance Abuse Services shall be compelled to disclose any information required to be kept confidential pursuant to subsection B of this section.

D. The district court shall not order the disclosure of the address of a domestic violence shelter, the location of any person seeking or receiving services from a domestic violence or sexual assault program, or any other information which is required to be kept confidential pursuant to subsection B of this section.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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